

REMARKS

Initially, in accordance with Applicants' duty to provide information regarding the substance of an interview, a telephone interview was held on December 13, 2005, between Applicants' representative and Examiner Phan. During that interview, Applicants requested consideration of a preliminary amendment that was filed April 7, 2005. The Examiner agreed to issue a non-final Office Action that considered the claims presented in the preliminary amendment.

In the non-final Office Action, the Examiner issued a restriction by original presentation; objected to the specification for a minor informality; rejected claims 1, 6, 9, 16-19, 22-24, 27-31, 34, and 35 under 35 U.S.C. § 103(a) as unpatentable over Aldous et al. (U.S. Patent No. 6,654,722) in view of Subramaniam et al. (U.S. Patent No. 6,070,187); and rejected claims 2-5, 7, 8, and 10-15 under 35 U.S.C. § 103(a) as unpatentable over Aldous et al. in view of Subramaniam et al. and Brown et al. (U.S. Patent No. 6,604,075). The Examiner objected to claims 20, 21, 25, 26, 32, and 33 as dependent upon a rejected base claim that would be allowed if rewritten in independent form to include the features of the base claim and any intervening claim. The Examiner allowed claims 36-41.

By this Amendment, Applicants amend the title and specification to improve form, cancel claims 9-15, 23, and 24 without prejudice or disclaimer, amend claims 1, 6, 16, 19-22, 25, 26, 29, 33, and 35-41 to improve form, and add new claims 67 and 68. Applicants appreciate the Examiner's identification of allowable subject matter, but respectfully traverse the Examiner's restriction requirement and rejections under 35 U.S.C. § 103. Claims 1-8, 16-22, and 25-68 are pending, of which claims 42-66 have been withdrawn from consideration by the Examiner.

RESTRICTION BY ORIGINAL PRESENTATION

In paragraphs 3 and 4 of the Office Action, the Examiner required election, under 35 U.S.C. §121, of one of the following inventions: Group I including pending claims 1-8, 16-22, and 25-41 allegedly drawn to combined circuit switching and packet switching, and allegedly classified in class 370, subclass 352; and Group II including claims 42-66 allegedly drawn to a bridge or gateway between networks, and allegedly classified class 370, subclass 401 (Office Action, paragraph 3). The Examiner alleged that claims 42-66 are directed to an invention that is independent or distinct from the invention originally claimed (Office Action, paragraph 4). Applicants respectfully submit that the Examiner's restriction by original presentation lacks merit.

For example, the Examiner alleged that the claims of Group I are directed to:

Subject matter wherein the switching network has both (a) a switch which establishes a path between a source and destination with the path being held for the duration of the communication, and (b) a switch which routes information based on an address associated with the information data in a channel which is only occupied for a duration of the time required to transmit the information data and the associated address.

(Office Action, paragraph 3). Applicants submit that not one of the claims of Group I includes features related to a switching network that has both (a) a switch which establishes a path between a source and destination with the path being held for the duration of the communication, and (b) a switch which routes information based on an address associated with the information data in a channel which is only occupied for a duration of the time required to transmit the information data and the associated address, as alleged by the Examiner. Therefore, the Examiner's allegation lacks merit.

Also, the Examiner alleged that the claims of Group II are directed to:

Subject matter having a device for interconnecting two or more networks at a media-access level of a data-link layer. Having a plurality of nodes performing distributed switching: Subject matter having a switching architecture in which a plurality of switch nodes are provided such that the switching function is spread out over a geographical

area, wherein information data to be switched is organized with one or more bytes preceded by an identification information indicative of a source or destination station.

(Office Action, paragraph 3). Applicants submit that not one of the claims of Group II includes features related to a device for interconnecting two or more networks at a media-access level of a data-link layer, where a plurality of nodes perform distributed switching; or a switching architecture in which a plurality of switch nodes are provided such that the switching function is spread out over a geographical area, wherein information data to be switched is organized with one or more bytes preceded by an identification information indicative of a source or destination station, as alleged by the Examiner. Therefore, the Examiner's allegation lacks merit.

Moreover, M.P.E.P. 821.03 indicates that the Examiner needs to provide reasons why restriction is proper. In this case, the Examiner provided no reason why the features of claims 42-66 are allegedly independent or distinct from the features of pending claims 1-8, 16-22, and 25-41. Therefore, the Examiner did not establish a proper restriction.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction requirement, and consideration of claims 42-66.

OBJECTION TO THE SPECIFICATION

In paragraph 5 of the Office Action, the Examiner objected to the specification for a minor informality. Applicants have amended the specification in the manner suggested by the Examiner.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the specification.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
ALDOUS ET AL. AND SUBRAMANIAM ET AL.*

In paragraph 8 of the Office Action, the Examiner rejected pending claims 1, 6, 16-19, 22, 27-31, 34, and 35 under 35 U.S.C. § 103(a) as allegedly unpatentable over Aldous et al. in view of Subramaniam et al. Applicants respectfully traverse the rejection with regard to the claims presented herein.

Amended independent claim 1, for example, is directed to a voice response system for servicing a call received over a public switched telephone network (PSTN). The voice response system comprises a PSTN-to-IP gateway for connecting between the public switched telephone network and an IP network medium; and a network server in communication with the IP network medium for automated interaction with a user participating in the call; where the call is transmitted as a data stream of uncompressed data from the gateway to the network server.

Neither Aldous et al. nor Subramaniam et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in amended claim 1. For example, Aldous et al. and Subramaniam et al. do not disclose or suggest a call that is transmitted as a data stream of uncompressed data from a gateway to a network server. Instead, Aldous et al. specifically discloses a VoIP telephony gateway server that receives audio signals, digitizes the audio signals into digitized audio data, compresses the digitized audio data into VoIP-compliant packets, and transmits the VoIP-compliant packets to at least one speech server through the VoIP communications path using the VoIP protocol (col. 2, lines 46-52). Subramaniam et al. does not disclose or suggest a call and, therefore, cannot disclose or suggest a call that is transmitted as a data stream of uncompressed data from a gateway to a network server, as required by claim 1.

For at least these reasons, Applicants submit that claim 1 is patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination. Claims 16-19

depend from claim 1 and are, therefore, patentable over Aldous et al. and Subramaniam et al. for at least the reasons given with regard to claim 1.

Amended claim 6 is directed to a voice response system for servicing a plurality of calls received over a public switched telephone network (PSTN). The system comprises a PSTN-to-IP gateway for connecting to the PSTN and an IP network medium; a plurality of network servers, in communication with the IP network medium and located in close physical proximity to the PSTN-to-IP gateway, for automated interaction with a set of users participating in the plurality of calls; and a proxy server in communication with the PSTN-to-IP gateway for load balancing the plurality of calls and providing differentiated and targeted service control for the plurality of calls amongst the plurality of network servers.

Neither Aldous et al. nor Subramaniam et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in amended claim 6. For example, Aldous et al. and Subramaniam et al. do not disclose or suggest a plurality of network servers, in communication with the IP network medium and located in close physical proximity to the PSTN-to-IP gateway, for automated interaction with a set of users participating in the plurality of calls.

The Examiner alleged that Aldous et al. discloses a PSTN-to-IP gateway (VoIP telephony gateway server 3) and a network server (web server 7) in communication with a network medium (VoIP network 4) for automated interaction with a user (telephone device 1) participating in the call (Office Action, paragraph 8). With the Examiner's interpretation in mind, Applicants submit that Aldous et al. does not disclose or suggest that web server 7 is located in close physical proximity to VoIP telephony gateway 3. Subramaniam et al. also does not disclose or suggest a plurality of network servers, in communication with the IP network

medium and located in close physical proximity to the PSTN-to-IP gateway, for automated interaction with a set of users participating in the plurality of calls, as required by claim 1.

For at least these reasons, Applicants submit that claim 6 is patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination.

Amended independent claim 22 is directed to a voice response system for servicing calls received over a public switched telephone network (PSTN). The voice response system comprises a PSTN-to-IP gateway for connecting to the public switched telephone network and an IP network medium; a network server in communication with the IP network medium for automated interaction with users participating in the calls; and a proxy server in communication with the IP network medium and the network server to allow or disallow the calls based on a telephone number associated with the calls.

Neither Aldous et al. nor Subramaniam et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 22. For example, Aldous et al. and Subramaniam et al. do not disclose or suggest a proxy server in communication with the IP network medium and the network server to allow or disallow the calls based on a telephone number associated with the calls.

The Examiner alleged that VoIP gatekeeper 14 corresponds to a proxy server (Office Action, page 5). With the Examiner's interpretation in mind, Applicants submit that Aldous et al. does not disclose or suggest that VoIP gatekeeper 14 allows or disallows calls based on a telephone number associated with the calls, as would be required by claim 22. Subramaniam et al. also does not disclose or suggest a proxy server in communication with the IP network medium and the network server to allow or disallow the calls based on a telephone number associated with the calls, as required by claim 22.

For at least these reasons, Applicants submit that claim 22 is patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination. Claims 27 and 28 depend from claim 22 and are, therefore, patentable over Aldous et al. and Subramaniam et al. for at least the reasons given with regard to claim 22.

Amended independent claim 29 recites features similar to, but possibly different in scope from, features recited in claim 6. Claim 29 is, therefore, patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 6.

Claims 30, 31, 34, and 35 depend from claim 29 and are, therefore, patentable over Aldous et al. and Subramaniam et al. for at least the reasons given with regard to claim 29.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of pending claims 1, 6, 16-19, 22, 27-31, 34, and 35 based on Aldous et al. and Subramaniam et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
ALDOUS ET AL., SUBRAMANIAM ET AL., AND BROWN ET AL.*

In paragraph 9 of the Office Action, the Examiner rejected pending claims 2-5, 7, and 8 under 35 U.S.C. § 103(a) as allegedly unpatentable over Aldous et al. in view of Subramaniam et al. and Brown et al. Applicants respectfully traverse the rejection.

Claims 2-5 depend from claim 1, and claims 7 and 8 depend from claim 6. Without acquiescing in the Examiner's rejection with regard to claims 2-5, 7, and 8, Applicants submit that the disclosure of Brown et al. does not cure the deficiencies in the disclosures of Aldous et al. and Subramaniam et al. identified above with regard to claims 1 and 6. Claims 2-5, 7, and 8 are, therefore, patentable over Aldous et al., Subramaniam et al., and Brown et al., whether taken

alone or in any reasonable combination, for at least the reasons given with regard to claims 1 and 6.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of pending claims 2-5, 7, and 8 based on Aldous et al., Subramaniam et al., and Brown et al.

NEW CLAIMS

New independent claim 67 is directed to a system for processing a call received over a public switched telephone network (PSTN). The system comprises a PSTN-to-IP gateway connected to receive the call from the PSTN; a network server in communication with the gateway for interacting with a user participating in the call; and an IP communication path of approximately 100 meters or less in length for connecting the gateway to the network server.

None of the applied references of record discloses or suggests the combination of features recited in claim 67. For example, none of the references discloses or suggests an IP communication path of approximately 100 meters or less in length for connecting a gateway to a network server.

For at least these reasons, Applicants submit that claim 67 is patentable over the references of record.

New claim 68 depends from claim 29. Claim 68 is, therefore, patentable over the applied references of record for at least the reasons given with regard to claim 29.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and allowance of the pending claims.

If the Examiner does not agree that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to discuss the claims in order to expedite prosecution of this application.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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